

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

MONTANA HEALTH CO-OP,)	
)	
Plaintiff,)	
)	
v.)	Case No. 20-561
)	
THE UNITED STATES,)	Judge Kaplan
)	
Defendant.)	
)	
)	
)	
)	
)	

JOINT STATUS REPORT AND MOTION TO CONTINUE STAY

Pursuant to the Court's Status Report Order of March 8, 2022 (ECF No. 28), the parties respectfully submit this Joint Status Report. The March 8 order continued the stay in these proceedings and directed the parties to file a joint status report proposing further proceedings by May 3, 2022.

In July 2021, shortly after the U.S. Supreme Court denied the petition for writ of certiorari (No. 20-1162) and the Government's conditional cross-petition (No. 20-1432) in *Maine Community Health Options v. United States*, which sought review of the Federal Circuit's CSR decision in *Community Health Choice, Inc. v. United States*, Nos. 2019-1633, -2102, 2020 WL 4723757 (Fed. Cir. Aug. 14, 2020), the parties began discussions regarding the next steps in this litigation. Several different attorneys, collectively representing a large number of plaintiff health plans—including the plaintiff here—engaged Government counsel in discussions regarding potential resolution of the CSR matters through settlement.

The parties' resolution efforts are progressing, and the parties respectfully request that the stay of this matter continue for an additional 60 days, at which time the parties will file a joint status report. Good cause exists for the Court to continue the existing stay of this case. On April 28, 2022, the Government provided its substantive response to the CSR plaintiffs' proposed settlement methodology for CSR damages owed for benefit years 2018 and beyond. CSR plaintiffs are reviewing the Government's response, after which the parties plan to meet and confer regarding the Government's response and the potential mutual resolution of pending CSR claims for benefit years 2018 and beyond. The complexity of the CSR cases and the large number of interested stakeholders necessitates that the parties be afforded additional time to complete these efforts.

The parties therefore jointly propose that they file a status report by July 6, 2022, in which the parties will update the Court on the status of their efforts to resolve this matter.

May 6, 2022

Respectfully submitted,

s/ Stephen McBrady
Stephen McBrady
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW Washington, DC
20004
Telephone: (202) 624-2500
Facsimile: (202) 628-5116
SMcBrady@crowell.com

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
PATRICIA M. McCARTHY
Director

s/ Claudia Burke
CLAUDIA BURKE
Assistant Director

s/ David M. Kerr
DAVID M. KERR
Trial Attorney
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station

OF COUNSEL:

Daniel Wolff

Charles Baek

CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004

Counsel for Plaintiff

Washington, DC 20044

Telephone: (202) 307-3390

Email: David.M.Kerr@usdoj.gov

OF COUNSEL:

ALBERT S. IAROSSI

Trial Attorney

Civil Division
U.S. Department of Justice

Counsel for Defendant